IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO: 13962 of 2004**

Between:

T.Munirathnam, s/o T.Sankarachary,

O/o Dy.Executive Engineer (South) T.T.Ds., Tirupathi.

**..... PETITIONER**

AND

Tirumala Tirupathi Devasthanams, rep., by its Executive Officer, Tirupathi, Chittoor District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction particularly one in the nature of MANDAMUS declaring the inaction on the part of the respondent in giving effect to the petitioner's promotion as Assistant Executive Engineer from the date of his eligibility i.e., 02-12-1995 in accordance with the provisions of G.O.Ms.No.375 dated 26-04-1994 as illegal, arbitrary, discriminatory and consequently direct the respondent to give effect to his promotion as Assistant Executive Engineer with effect from 02-12-1995 in terms of G.O.Ms.No.375 dated 26-04-1994 together with all consequential and attendant benefits and pass such other relief or reliefs.

**Counsel for the Petitioner: DR.P.B.VIJAY KUMAR**

**Counsel for the Respondent: MR.A.K.JAYAPRAKASH RAO (SC FOR TTD)**

**The Court at the stage of admission made the following:**

**HONOURABLE DR. JUSTICE G.YETHIRAJULU**

WRIT PETITION NO.13962 OF 2004

**ORDER:**

The petitioner is working as an Assistant Executive Engineer in the respondent Institution. He was initially appointed as Work Inspector Grade II on 19-03-1993. Subsequently, he was promoted to the post of Work Inspector Grade I on 02-12-1995 and he was further promoted as an Assistant Executive Engineer on 04-09-2002. The petitioner contends that the respondent in pursuance of G.O.Ms.No.1060 Rev (Endts.III) dated 24-10-1989, revised the seniority on notional basis in the case of one Mr.K.Raghavaiah, who was working as an Assistant Engineer from 24-10-1994 and promoted him as Assistant Executive Engineer with effect from the said date. Subsequently, the respondent institution by considering G.O.Ms.No.375 Rev (Endts.III) dated 26-04-1994, again revised seniority of Sri K.Raghavaiah as Assistant Executive Engineer notionally and gave him the benefit of promotion as Assistant Executive Engineer with effect from 28-03-1994. In pursuance of the above actions of the respondent, the said Raghavaiah was promoted to the post of Deputy Executive Engineer with effect from 18-06-2004. The petitioner further contends that he possessed all the qualifications as that of Mr.K.Raghavaiah and he is similarly placed in all respects, but the respondent did not implement the G.O. in respect of the petitioner for his promotion as Assistant Executive Engineer with effect from the date of his eligibility i.e., 02-12-1995. The petitioner further submitted that he is entitled to the benefits of G.O.Ms.No.375, and the non-consideration of his name for promotion amounts to discrimination among the similarly placed employees. The petitioner made representations to the respondent on 04-01-2004, 13-01-2004, 01-03-2004 and 27-03-2004. He further represents that the respondent did not pass any orders on his representations and they are pending with it.

**2.** In the light of the above submissions made by the petitioner, the respondent is directed to pass appropriate orders within two months from the date of receipt of a copy of this order on the representations of the petitioner dated 27-03-2004 and earlier representations as per the Rules, Government Orders and instructions.

**3.** The Writ Petition is accordingly disposed of. No order as to costs.

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Dr. G.YETHIRAJULU, J

09th August, 2004

SKM

TO

1. The Executive Officer Tirumala Tirupathi Devasthanams, rep., by its,

Tirupathi, Chittoor District.

2. Two C.D.Copies.